## UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF OHIO

In re:	George L Zeman	) Chapter 13 Case No. 08-14038-H
		) Hon. Arthur I. Harris
	Debtor	)

## TRUSTEE'S MOTION TO DISMISS CASE FOR FAILURE TO FUND

Now comes CRAIG SHOPNECK, the duly appointed, qualified and standing Chapter 13 Trustee herein, and hereby moves this Honorable Court to dismiss the case of the debtor pursuant to Section 1307 of the Bankruptcy Code for failure to fund. In support of his motion, the Trustee makes the following representations to the Court:

- 1. The debtor filed a petition under Chapter 13 of Title 11, U.S.C. on **May 29, 2008**. The plan of the debtor was confirmed on **August 21, 2008**. The current plan of the debtor calls for payments to the Trustee of \$237.77 weekly.
- 2. The Trustee has reviewed his records and states that as of the date of the hearing on this motion, the debtor will be delinquent \$3,584.90 through the **August**, 2009 payment.
- 3. Section 1307(c)(1) of the Bankruptcy Code states that unreasonable delay by the debtor that is prejudicial to creditors is grounds for dismissal of the case of the debtor. In addition, Section 1307(c)(6) of the Bankruptcy Code states that material default by the debtor with respect to the terms of a confirmed plan is grounds for dismissal of the case of the debtor. The Trustee believes that the failure of the debtor to maintain payments to the Trustee has unreasonably delayed the administration of the case of the debtor, and ultimately delayed the potential repayment of the creditors of the estate of the debtor. As a result, cause exists to dismiss the case of the debtor.

WHEREFORE, your Trustee, being a proper party in interest, moves this Honorable Court to grant his motion and dismiss the case of the debtor for the reasons cited.

/S/ Craig Shopneck

CRAIG SHOPNECK (#0009552) Chapter 13 Trustee 200 Public Square, BP Tower Suite 3860 Cleveland OH 44114-2321 Phone (216) 621-4268 Fax (216) 621-4806 Ch13shopneck@ch13cleve.com

## **CERTIFICATE OF SERVICE**

A copy of the foregoing Motion to Dismiss was served electronically and/or by regular U.S. mail on the 25th day of August, 2009, to the following:

Carie A Becker, Attorney for Debtor Jp Amourgis & Assoc 3200 W Market St#106 Fairlawn OH 44333

George L Zeman, Debtor 8417 Bancroft Ave Maple Heights OH 44137

/S/ Craig Shopneck

CRAIG SHOPNECK (#0009552)

CS/bas 8/25/09